

Paralegal  Course Outlines

TITLE: Debtor-Creditor and Bankruptcy Law
(PARA 331)

- OBJECTIVES:**
1. To learn the substance and procedure of law regarding extension of credit, the rights and responsibilities of the debtor and creditor, and bankruptcy.
 2. To learn the methods of collecting debts.
 3. To understand creditors' special rights, such as liens and UCC article 9.
 4. To develop the skills required for a Chapter 7 bankruptcy filing, including preparation of the petition and schedules.
 5. To introduce the students to other forms of bankruptcy, including individual, farm, and business reorganizations.
 6. To introduce the students to alternatives to bankruptcy, such as debt adjustment and consolidation, and informal arrangements with creditors.

CREDITS: 3 semester credit hours

INSTRUCTION: Lecture

EVALUATION: Tests; preparation of chapter 7 bankruptcy

OUTLINE:

	<u>Time</u>
I. Introduction	
A. Debtor/Creditor Law	1 hour
B. Basic terminology	1 hour
II. Debt Collection	
A. Nonjudicial debt collection devices	2 hours
B. Pre-judgment judicial debt collection	2 hours
1. Attachment	
2. Pre-judgment garnishment	
3. Replevin (claim and delivery)	
4. Receivership	

5.	Lis Pendens	
C.	Obtaining a judgment	2 hours
D.	Post-judgment collection devices	4 hours
1.	Finding the debtor's assets	
2.	Judgment Liens	
3.	Execution Liens	
4.	Creditor's Bill in Equity	
5.	Supplementary proceedings in aid of execution	
6.	Garnishment	
7.	Fraudulent conveyances	
8.	Execution sale	
9.	Enforcement of judgment in foreign states	
E.	Protection for the debtor in judicial debt collection proceedings	2 hours
1.	Exemptions	
2.	Redemption	
3.	Miscellaneous	
III.	Creditors with Special Rights	
A.	Consensual Liens	6 hours
1.	In general	
2.	Security interests under Article 9 of the UCC	
3.	Classification of collateral	
4.	Attachment (UCC 9-203)	
5.	Perfection (UCC 9-303)	
6.	Filing or possession (UCC 9-304 and UCC 9-305)	
7.	Filing of a financial statement	
8.	Priority of Security Interest (UCC 9-312)	
9.	Default	
10.	Acceleration clauses	
11.	Creditor's remedies upon default	
12.	Other North Dakota consensual liens	
B.	Common Law and Statutory Liens	2 hours
1.	In general	
2.	Construction liens	
3.	Other state statutory liens	
4.	Realizing upon the lien	
C.	Federal Claims	1 hour
1.	Federal priority in general	
2.	Federal tax lien	
IV.	State Law Remedies Resembling Bankruptcy	
A.	Compositions and extensions	1 hour
B.	Assignments for the benefit of creditors	1 hour
V.	Overview of bankruptcy	2 hours

- A. Purposes and effects of filing
 - B. Paralegal's role
 - C. History of bankruptcy and evolution of laws
 - D. Sources of bankruptcy laws
 - E. Different types (Chapters) of bankruptcy
- VI. Alternatives to bankruptcy 2 hours
- A. Advising the client
 - B. Assignments for the benefit of creditors
 - C. Composition agreements
- VII. Review of bankruptcy forms 1 hour
- A. Petitions
 - B. Schedules
 - C. Uses of forms
- VIII. Involuntary petitions 2 hours
- A. Who can file
 - B. How to file
 - C. Grounds for obtaining order for relief
- IX. General provisions and definitions in bankruptcy 2 hours
- A. Who is a debtor under various chapters
 - B. Due process
 - C. Liens and transfers
- X. Chapter 7 proceedings 8 hours
- A. Who may file
 - B. How to prepare and file petition and schedules
 - C. Notice to creditors
 - D. Order for relief
 - E. Appointment of trustee
 - F. Meeting of creditors
 - G. Discharge
 - H. Reaffirmation
 - I. Exercise: Chapter 7 petition and schedules
- XI. Conversion and dismissal of cases 1 hour
- A. Conversion from one type of bankruptcy to another
 - B. Who may seek conversion and dismissal
- XII. Exemptions in bankruptcy 2 hours
- A. Federal or state choices
 - B. How to claim exemptions

XIII.	Trustees in bankruptcy	1 hour
	A. Function of trustees	
	B. The U.S. Trustee system	
	C. General qualifications	
	D. Duties and powers	
XIV.	Automatic Stay	1 hour
	A. When it applies	
	B. Activities of creditors that are stayed not stayed	
	C. Purpose of the stay	
	D. Relief from stay	
	E. Termination of stay	
XV.	Dischargeability	2 hours
	A. In general	
	B. Specific debts	
XVI.	Property of the estate	2 hours
	A. What is included	
	B. "Turnover" complaints	
	C. Avoiding powers of the trustee	
	D. Voidable transfers	
	E. Preferences	
	F. Use, sale, and transfer of property by trustee	
XVII.	Claims against the estate	3 hours
	A. Priorities	
	B. Secured and unsecured claims	
	C. Filing proof of claim	
XVIII.	Distribution of assets	1 hour
	A. Order of distribution	
XIX.	Chapter 13 bankruptcy	3 hours
	A. Distinguished from Chapter 7	
	B. Who may file	
	C. Contents of the Plan	
	D. Procedure	
XX.	Chapter 11 bankruptcy	3 hours
	A. Distinguished from other types	
	B. Purpose and effect	
	C. Procedure and forms	
XXI.	Chapter 12 (Family Farm) bankruptcy	2 hours

- A. Distinguished
- B. Limited applicability
- C. Purpose and effect
- D. Procedure